

AMENDED IN ASSEMBLY JUNE 2, 1999  
AMENDED IN ASSEMBLY APRIL 14, 1999  
AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 609**

---

---

**Introduced by Assembly Member Wildman**  
**(Coauthors: Assembly Members Alquist, Briggs, Firebaugh,**  
**Florez, Havice, Kuehl, Leach, Longville, Margett, Romero,**  
**and Washington)**  
(Coauthors: Senators Figueroa and Solis)

February 19, 1999

---

---

An act to amend Sections ~~56352, 60061, and 62000.8 of, and to add Sections 56351.5 and 56353 to, the~~ *56352 and 60061 of the* Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 609, as amended, Wildman. Special education: vision impairments: use of braille.

Existing law requires educational agencies to develop an individualized education program for pupils with exceptional needs, including, but not limited to, a functionally blind pupil, as defined, or a pupil with low vision, as defined, and requires that a functional vision assessment be conducted to determine the appropriate reading medium for the pupil *and an assessment of braille skills*.

This bill would require ~~the option of~~ instruction in braille to be provided ~~for a functionally blind to each pupil or a pupil~~

~~with low vision who is visually impaired unless the individualized education program team determines that braille instruction and use is not appropriate for the pupil, certifies that it has reviewed the pertinent literature describing the educational benefits of braille instruction, and specifies in the program the basis for the determination that braille instruction would not be appropriate for the pupil.~~

~~This bill would not require the exclusive use of braille if other special education services are also appropriate for the pupil's educational needs, and would provide that instruction in braille would not preclude the provision of other appropriate services.~~

~~This bill would require instruction in braille provided to a functionally blind pupil or to a pupil with low vision to be sufficient to enable the pupil to communicate effectively and efficiently with the same level of language proficiency expected of the child's peers of comparable ability and grade level who have no vision impairment. This bill would require the individualized education program for a functionally blind pupil or a pupil with low vision to include, among other things, the results of the evaluation, the manner in which the use of braille is to be implemented to assist pupil learning, the targeted level of braille competency for reading and writing, and the objective assessment instruments to be used. By establishing these additional requirements for local educational agencies when developing individualized education programs, this bill would impose a state-mandated local program.~~

~~Existing law requires that braille instruction be provided by a teacher who is credentialed to teach pupils who are visually impaired.~~

~~This bill would provide that competency in braille for these teachers shall be the equivalent of completion of coursework in braille instruction required at campuses of the California State University that award credentials in teaching of the visually impaired. The bill would authorize braille instruction to be provided by a person who is not a credentialed teacher, provided, however, that the braille instructor is working under the direction of a credentialed teacher. The bill would also authorize a 3 year exemption from providing braille~~

~~instruction if a school district, special education local plan area, or county office of education that has sought, but who does not have access to, a braille instructor who is credentialed or working under the direction of a credentialed teacher, submits a finding of unavailability to the Superintendent of Public Instruction that is not denied for cause based upon the assessments, thereby imposing a state-mandated local program on local agencies when developing individualized education programs.~~

Existing law provides for the adoption and selection of quality instructional materials for use in elementary and secondary schools, and imposes requirements upon publishers and manufacturers, including, but not limited to the requirement that they provide to the state, at no cost, the right to transcribe, reproduce, and distribute the material in braille, large print, recordings, or other accessible media for use by pupils with visual disabilities, including computer diskette versions of print materials if made available to any other state, and those corrections and revisions as may be necessary.

~~This bill would, also, require that the publishers and manufacturers of instructional materials provide to the state, at no cost, computer diskettes in the American Standard Code for Information Interchange (ASCII) for all literary works, and provide to the state, at no cost, computer diskettes in the American Standard Code for Information Interchange (ASCII) for all nonliterary works if and when the necessary braille specialty code translation software is available.~~

~~Existing law relating to the sunset of certain categorical programs make provisions of law relating to the special education program inoperative on June 30, 2000.~~

~~This bill would extend the inoperative date to June 30, 2003. delete the provision which requires a publisher or manufacturer to provide computer diskette versions of print material if made available to any other state, and instead, would require computer files or electronic versions of each state adopted literary title to be provided within a timely basis and computer files or other electronic versions of nonliterary titles, including science and math, to be provided when technology is available to convert those materials.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1. Section 56351.5 is added to the~~
- 2    ~~Education Code, to read:~~
- 3    ~~56351.5. (a) Instruction in braille provided to a~~
- 4    ~~functionally blind pupil or to a pupil with low vision shall~~
- 5    ~~be of sufficient quality and duration to enable the pupil~~
- 6    ~~to communicate effectively and efficiently with the same~~
- 7    ~~level of language proficiency expected of the child's peers~~
- 8    ~~of comparable ability and grade level who have no vision~~
- 9    ~~impairment.~~
- 10    ~~(b) The individualized education program for a~~
- 11    ~~functionally blind pupil or a pupil with low vision shall~~
- 12    ~~specify all of the following:~~
- 13    ~~(1) The results of the evaluation pursuant to Section~~
- 14    ~~56352.~~
- 15    ~~(2) The manner in which the use of braille shall be~~
- 16    ~~implemented to assist pupil learning, and the manner in~~
- 17    ~~which the use of braille shall be integrated into other~~
- 18    ~~classroom activities.~~
- 19    ~~(3) The date on which braille instruction shall~~
- 20    ~~commence, and the duration and frequency of the~~
- 21    ~~instruction.~~
- 22    ~~(4) The targeted level of braille competency for~~
- 23    ~~reading and writing and the objective assessment~~
- 24    ~~instruments to be used.~~

~~(5) Whether a determination has been made that  
braille instruction is not appropriate for the pupil.~~

~~SEC. 2.—~~

*SECTION 1.* Section 56352 of the Education Code is amended to read:

56352. (a) A functional vision assessment conducted pursuant to Section 56320 shall be used as one criterion in determining the appropriate reading medium or media for the pupil.

(b) An assessment of braille skills shall be required for functionally blind pupils, and for pupils with low vision, who have the ability to read in accordance with guidelines established pursuant to Section 56136.

(c) Braille instruction shall be provided by a teacher credentialed to teach pupils who are visually impaired, *consistent with guidelines established pursuant to Section 56136.* ~~Competency in braille for these teachers shall be the equivalent of completion of coursework in braille instruction required at campuses of the California State University that award credentials in teaching of the visually impaired.~~

(d) The determination, by a pupil's individualized education program team, of the most appropriate medium or media, including braille, for visually impaired pupils shall be in accordance with guidelines established pursuant to Section 56136. *Braille instruction shall be provided to each pupil who is visually impaired unless the individualized education program team has determined that it is not appropriate, based upon assessments conducted pursuant to this section.*

(e) Each visually impaired pupil shall be provided with the opportunity to receive an assessment to determine the appropriate reading medium or media, including braille instruction, if appropriate, for that pupil.

~~(f) The option of instruction in braille shall be provided for a functionally blind pupil or a pupil with low vision unless the individualized education program team determines, after evaluation of the pupil's reading and writing skills and needs and after consideration of the most appropriate reading and writing medium or for the~~

~~pupil, and consideration of the pupil's future needs for familiarity in braille, that braille instruction and use is not appropriate for the pupil. The determination that braille instruction and use is not appropriate for the pupil shall be made only if the team certifies that it has reviewed the pertinent literature describing the educational benefits of braille instruction, and the individualized education program for the pupil specifies the basis for the determination that braille instruction would not be appropriate for the pupil.~~

~~(g) This section does not require the exclusive use of braille if other special education services are also appropriate for the pupil's educational needs. The provision of other appropriate services shall not preclude the use of, or instruction in, braille.~~

~~SEC. 3. Section 56353 is added to the Education Code, to read:~~

~~56353. (a) Notwithstanding subdivision (e) of Section 56352, braille instruction may be provided by a person who is not a credentialed teacher, provided, however, that the braille instructor is working under the direction of a credentialed teacher familiar in general teaching methodologies.~~

~~(b) Notwithstanding subdivision (e) of Section 56352 and subdivision (a), if a school district, special education local plan area, or county office of education has sought a braille instructor who meets the requirements of either of those provisions and does not have access to a braille instructor who meets the requirements of either of those provisions, the school district, special education local plan area, or county office of education shall submit a finding of unavailability to the Superintendent of Public Instruction. The school district, special education local plan area, or county office of education shall be exempt from providing instruction in braille for three years commencing at the time a finding of unavailability is submitted to the Superintendent of Public Instruction, unless the finding is denied by the superintendent for cause.~~

~~SEC. 4.—~~

1 SEC. 2. Section 60061 of the Education Code is  
2 amended to read:

3 60061. A publisher or manufacturer shall:

4 (a) Furnish the instructional materials offered by the  
5 publisher at a price in this state that, including all costs of  
6 transportation to that place, does not exceed the lowest  
7 price at which the publisher offers those instructional  
8 materials for adoption or sale to any state or school district  
9 in the United States.

10 (b) Automatically reduce the price of those  
11 instructional materials to any governing board to the  
12 extent that reductions are made elsewhere in the United  
13 States.

14 (c) Provide any instructional materials free of charge  
15 in this state to the same extent as that received by any  
16 state or school district in the United States.

17 (d) Guarantee that all copies of any instructional  
18 materials sold in this state are at least equal in quality to  
19 the copies of those instructional materials that are sold  
20 elsewhere in the United States, and are kept revised, free  
21 from all errors, and up to date as may be required by the  
22 state board.

23 (e) Not in any way, directly or indirectly, become  
24 associated or connected with any combination in  
25 restraint of trade in instructional materials, or enter into  
26 any understanding, agreement, or combination to control  
27 prices or restrict competition in the sale of instructional  
28 materials for use in this state.

29 (f) Maintain a representative, office, or depository in  
30 the State of California or arrange with an independently  
31 owned and operated depository in the State of California  
32 to receive and fill orders for instructional materials.

33 (g) ~~(1) Provide to the state, at no cost, Provide to the~~  
34 ~~state, at no cost, computer files or other electronic~~  
35 ~~versions of each state adopted literary title and the right~~  
36 ~~to transcribe, reproduce, modify, and distribute the~~  
37 ~~material in braille, large print, recordings, or other~~  
38 ~~American Sign Language videos for the deaf, or other~~  
39 ~~specialized accessible media for use by pupils with visual~~  
40 ~~disabilities. This right shall include computer diskette~~

~~versions of print materials if made available to any other state, and those corrections and revisions as may be necessary.~~

~~(2) Provide to the state, at no cost, computer diskettes in the American Standard Code for Information Interchange (ASCII) for all literary works. Provide to the state, at no cost, computer diskettes in the American Standard Code for Information Interchange (ASCH) for all nonliterary works if and when the necessary braille specialty code translation software is available. The computer diskettes shall be in a format that is compatible with currently available braille transcription and large print production technologies. exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard instructional materials. Computer files or other electronic versions shall be provided within a timely basis and shall be requested by the state as needed for the purposes described in this subdivision as follows:~~

~~(1) Computer files or other electronic versions of literary titles shall maintain the structural integrity of the standard instructional materials, be compatible with commonly used Braille translation and speech synthesis software, and include corrections and revisions as may be necessary.~~

~~(2) Computer files or other electronic versions of nonliterary titles, including science and math, shall be provided when technology is available to convert those materials to a format that maintains the structural integrity of the standard instructional materials and is compatible with Braille translation and speech synthesis software.~~

~~(h) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the governing board in the amount of three times the total sum that the publisher or manufacturer was paid in excess of the price required under subdivisions (a), (b), and (e), and in the amount of three times the total value of the instructional materials~~

1 and services that the governing board is entitled to  
2 receive free of charge under subdivision (c).

3 ~~SEC. 5. Section 62000.8 of the Education Code is~~  
4 ~~amended to read:~~

5 ~~62000.8. The special education program shall sunset~~  
6 ~~on June 30, 2003.~~

7 ~~SEC. 6.—~~

8 *SEC. 3.* Notwithstanding Section 17610 of the  
9 Government Code, if the Commission on State Mandates  
10 determines that this act contains costs mandated by the  
11 state, reimbursement to local agencies and school  
12 districts for those costs shall be made pursuant to Part 7  
13 (commencing with Section 17500) of Division 4 of Title  
14 2 of the Government Code. If the statewide cost of the  
15 claim for reimbursement does not exceed one million  
16 dollars (\$1,000,000), reimbursement shall be made from  
17 the State Mandates Claims Fund.

